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OFFICE OF PETITIONS

In re Application of :
Chedgley, et al. :
Application No. 09/742,255 :
Filed: December 20, 2000 :
Attorney Docket No. 10734-003-999 :

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed February 27, 2006.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on September 2, 2005, after it was believed that no response was received to the non-final Office action mailed June 2, 2005. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on December 15, 2005, indicating that a reply to the notice was not received.

The instant petition was filed on February 27, 2006. Petitioner maintains that a proper response to the final Office action was filed on December 2, 2005.

A review of the record reveals that a Notice of Appeal was filed on December 2, 2005, with a request for extension of time within the fourth month intending to be responsive to the final Office action. Petitioner also provided an Office date-stamped postcard receipt, whereby the Office acknowledged receipt of the Notice of Appeal and request for an extension of time on December 2, 2005. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 2100, GAU 2192, for further processing.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions